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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,359	05/22/2000	Kenneth B. Moore	REALNET.104A	1848

25943	7590	02/28/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/576,359	MOORE ET AL.
		Examiner	Art Unit	
		Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 November 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. ·

Disposition of Claims ·

4)☒ Claim(s) _10,12,14-21 and 25-37_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _10,12,14-21 and 25-37_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 34 is objected since it contains typographical error. The word "method"

should be rewritten as "apparatus".

2.   Claim 35 is objected since it contains typographical error. The word "method"

should be rewritten as "apparatus".

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 10, 12, 14-21, 25-31, and 36-37 are rejected under 35 U.S.C. 102(e) as

being anticipated by Alecci et al ("Alecci", USP 6097384).

Regarding claim 10, Alecci teaches steps of defining a class of graphical display

objects (data objects, col 3, lines 13-15) for use in a media player application (computer

application) which comprises receiving a default definition data structure wherein the

default definition data structure includes first information about a default graphical

display object associated with the media player (default attributes, col 3, lines 15-18);

receiving a first class member definition data structure related to a first graphical display

object associated with the media player wherein the first class member definition data structure includes second information indicating differences (an attribute in a set of attributes for overriding default attribute) between the default graphical display object and the first graphical display object (col 3, lines 18-20) ; wherein the information contains information other than the first information (overriding attribute is specified differently from default attribute; see col 7, lines 13-17).

Regarding claim 12, Alecci teaches steps of defining a class of graphical display objects (data objects, col 3, lines 13-15) which comprises receiving a default definition data structure wherein the default definition data structure includes first information about a default graphical display object (default attributes, col 3, lines 15-18) associated with the media player (computer); receiving a first class member definition data structure related to a first graphical display object wherein the first class member definition data structure includes second information indicating differences (a first attribute in a set of attributes for overriding default attribute) between the default graphical display object and the first graphical display object (col 3, lines 18-20) ; wherein the second information excludes the first information (overriding attribute is specified differently from default attribute; see col 7, lines 13-17) and receiving a second class member definition data structure related to a second graphical display object associated with the media player wherein the second class member definition data structure includes third information indicating differences (a second attribute in a set of attributes for overriding default attribute) between the first graphical display object and the second graphical display object (since Alecci teaches a set of overriding

attributes, it is inherent that each overriding attribute is different than the other overriding attributes in the set) ; wherein the third information contains information other than the first or the second information (overriding attribute is specified differently from default attribute and one overriding attribute is different from another overriding attribute; see col 7, lines 13-17).

Regarding claims 14-15, Alecci teaches the steps of receiving a default class definition (default attribute) and a first class member definition (one overriding attribute) (col 3, lines 15-18), extracting first data relating to a graphical display object associated with the media player from the default class definition (data of the default attribute), extract second data relating to the graphical display object from the first class member definition (data of one overriding attribute), and determine third data representing only differences between extracted first and second data (overriding attribute), and building the graphical display object by overriding at least a portion of the at least one of the first and second data with the third data (col 3, lines 20-26); and a processor communicatively coupled to the storage medium to execute the instructions (inherent).

Regarding claims 16,19, 25, and 28, Alecci teaches that the graphical display object relates to a graphical user interface object (col 3, lines 13-26).

Regarding claims 17, 20, 26 and 29, Alecci teaches that the graphical user interface object includes windows (Fig. 1).

Regarding claims 18, 21, 27, and 30, Alecci teaches that the default graphic display object is provided by a template (default attributes); and wherein the first and

second class definition data structure are provided by file created independent of a media player (col 3, lines 33-37).

Regarding claim 31, Alecci teaches the receiving a second class member definition data structure related to a second graphical display object associated with the media player wherein the second class member definition data structure includes third information indicating differences (a second attribute in a set of attributes for overriding default attribute) between the default graphical display object and the second graphical display object (overriding attribute is different than default attribute); wherein the third information excludes the first or the second information (overriding attribute is specified differently from default attribute and one overriding attribute is different from another overriding attribute; see col 7, lines 13-17).

Regarding claims 36-37, Alecci teaches that the second information excludes the first information (overriding attribute is specified differently from default attribute; see col 7, lines 13-17).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 32-35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alecci and Hawkins et al ("Hawkins", USP 6005561).

Regarding claims 32-35, Alecci does not teach that the media player is an audio player. However, such feature is known in the art as taught by Hawkins. Hawkins teaches the updating attributes (col 6, lines 28-34; col 24, lines 54-56) in a broadcasting system (audio player) (Fig. 7). It would have been obvious to one of ordinary skill in the art, having the teaching of Alecci and Hawkins before him at the time the invention was made, to modify the attribute overriding method taught by Alecci to include the audio player taught by Hawkins so that the Alecci's method can be used in audio interface.

7.   Response to Applicant's arguments filed 11/04/04.

Applicant's argument that "Alecci does not teach or otherwise suggest a method of defining a class of graphical display objects for use in a media player application wherein definition data structure......associated with the media player", it is noted that such is not quite the case since method and system for managing attribute data of Alecci is for use in computer application which is indeed a media player application since computer can be reasonably considered a media player.

Applicant's arguments on Acton reference have been considered but are moot in view of the new ground(s) of rejection.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL"

or "DRAFT" communication. Examiners may request that a formal paper / amendment

be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu
Patent Examiner